

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

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FILE: B-183355

DATE: June 10, 1975

MATTER OF: Boyle Engineering Corporation

DIGEST:

Where all information necessary to evaluation of architect-engineering firms is in possession of contracting activity and firms are evaluated on basis of that information under evaluation criteria applied equally to each firm, decision to negotiate contract with firm other than protester cannot be said to be arbitrary or contrary to general policy expressed in Brooks Bill, 40 U.S.C. § 541, et seq. (Supp. II, 1972).

The Boyle Engineering Corporation (Boyle) protests the selection by the Veterans Administration (VA) of another firm for negotiation of a contract on project No. 533-001. That project concerns work on a regional national cemetery and was advertised in the October 17, 1974, Commerce Business Daily as follows:

"R--REGIONAL NATIONAL CEMETERY. Master Land Planning firm to assist in site selection and to Master Plan a Regional National Cemetery of approx 200 to 500 acres in the State of CA with an option for contract documents. Program will include general land development, landscaping, administration, service and minor bldgs, visitor facilities, roads, parking areas, walkways, drainage, utilities, and fencing. Interested firms should submit qualifications and basic data within 15 days of the date of this advertisement. * * *"

As a result of the advertisement 59 firms were considered for the work. Evaluation of these firms was made on November 25, 1974, by the VA Architect-Engineer Evaluation Board on the basis of information received from the firms and information already on file at VA. Of these, the Board selected the following firms for further consideration since they were felt to be the best qualified for the project:

Albert C. Martin and Associates (Martin)
Boyle
Royston, Hanamoto, Beck and Abey and Jones-Tillson
and Associates (Royston)
Toups Corporation (Toups)

Each firm was subsequently interviewed by the Board during the period of January 9 to January 13, 1975. The Board, after evaluation of the interviews and of all other information available, recommended to the Assistant Administrator for Construction--a recommendation accepted by him--its order of preferences for final contract negotiation: first, Royston; second, Toups; third, Boyle; and fourth, Martin.

Boyle protests the failure of VA to find it to be the most qualified firm and, consequently, believes award of a contract to anyone other than itself would be in violation of the Brooks Bill, 40 U.S.C. § 541, et seq. (Supp. II, 1972), and specifically section 542 thereof, which states as follows:

"The Congress hereby declares it to be the policy of the Federal Government to publicly announce all requirements for architectural and engineering services, and to negotiate contracts for architectural and engineering services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices."

Boyle believes this to be so in view of the large amount of experience Boyle has in cemetery site development and planning. The amount of experience enjoyed by Boyle is felt to greatly exceed that possessed by any of the other firms involved in the interviews. Further, Boyle alleges that persons in VA advised it to stress its experience with cemetery work during the interview, and, consequently, it did not have the opportunity to present information as to its site selection experience.

It is the position of the VA that, as set forth in the Commerce Business Daily advertisement, land planning and development experience is the basic qualifying factor in the selection of professional services for the master planning of large VA cemeteries. VA states that it was particularly interested in innovative land planning and believed that limiting consideration to firms with cemetery experience would be unnecessarily restrictive. Further, VA states that after consideration of the Royston presentation at the interview and the

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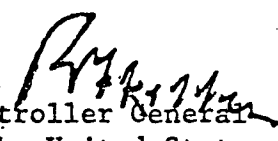
Standard Form 251 (Architect-Engineer Questionnaire) information on file it was the professional judgment of the Board that Royston demonstrated the best overall capability and team organization for the design of the project. Further, it is noted that Boyle was asked to provide certain information other than that dealing with its cemetery experience and that the information provided was less than satisfactory.

It is not our function to evaluate the qualifications of each firm to determine which should have been selected for the award. Source selection is the responsibility of the contracting agency which must bear the major criticism for any difficulties or expenses experienced by reason of a defective analysis. Therefore, it is our view that the agency's judgment in these matters is entitled to great weight and should be disturbed only if shown to be arbitrary. 52 Comp. Gen. 198, 205 (1972) and B-178220, December 10, 1973.

The Board's determination was based on analyses of information furnished and interviews with the firms under consideration.

While it might be argued, as Boyle does, that the VA conclusion is incorrect, such a contention would be based on a difference in judgment only. We are unable to find any basis in the record for concluding that the evaluation was arbitrary or otherwise conducted in bad faith. Rather, it appears to us that the evaluation was conducted in good faith based on criteria reasonably relating to performance. We must, therefore, conclude that the VA has not violated the general policy enunciated in the Brooks Bill.

Accordingly, the protest is denied.


Acting Comptroller General
of the United States